

# **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

BLUE BUFFALO COMPANY LTD.,

Plaintiff,

v.

NESTLÉ PURINA PETCARE COMPANY and  
JOHN DOES 1-10,

Defendants.

Case No. 4:14-cv-00920-SNL

(Motion pending to transfer to Hon.  
Rodney W. Sippel)

**DECLARATION OF DAVID H. LUCE**

1. My name is David H. Luce. I am counsel of record for Blue Buffalo in the above-captioned matter.

2. On June 2, 2014, at approximately 11:00 am and again at approximately 4:30 pm, I had telephonic discussions with David Roodman who is counsel of record for Nestlé Purina Petcare Company in a case styled *Nestlé Purina Petcare Company v. Blue Buffalo Company LTD*, Case No. 4:14-cv-00859 ("The Nestlé Complaint") currently pending in this District before the Honorable Rodney W. Sippel.

3. The topic of my discussions with Mr. Roodman was Nestlé Purina's willingness to produce voluntarily on an expedited basis the laboratory tests results referred to in the Nestlé Complaint and upon which it based its claims that Blue Buffalo's pet food products contained ingredients other than what Blue Buffalo advertises its products contain.

4. Mr. Roodman indicated that his client would not unilaterally start producing discovery material. Mr. Roodman advised that his client was willing to discuss a discovery

schedule for both parties' discovery and to have that discussion on an expedited basis with the goal of creating a plan to present at the Rule 26(f) conference.

5. I advised Mr. Roodman that Blue Buffalo believed that the laboratory testing material was materially different and unique discovery in the case, that we believed the production of these materials should occur on an expedited basis and that we intended to file a motion to that effect.



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David H. Luce